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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,758	10/13/2000	Kevin Paul Demsky	ROC9-2000-0151-US1-IBM-18	8069
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RABIN & Berdo, PC			PHAN, HANH	
1101 14TH S SUITE 500	TREET, NW		ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Extension of time may be available unifor the provision of 31 CFR 1.136(), his revert, however, may a reply betting fixed share \$10, 80 MMTHS from the maling date of this communication.   15 MMTHS from the maling date of this communication provision of 31 CFR 1.136(), his revert, however, may a reply betting fixed share \$10, 80 MMTHS from the maling date of this communication of the provision of the provision of 31 CFR 1.136(), his revert, however, may a reply betting fixed share \$10, 80 MMTHS from the maling date of this communication of the provision of the							
Examiner Hanh Phan  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address =  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3°C FR 1.134(a). In no event, however, may a reply be timely filled  - If the period for reply is available under the provisions of 3°C FR 1.134(a). In no event, however, may a reply be timely filled  - If the period for reply is produced abover. The maximum statutory premote when the statutory memory of the division of this (30) days, we also considered timely.  - If the period for reply is produced abover. The maximum statutory premote with period with the series of the produced with period and the period of the communication of this (30) days, we also considered timely.  - If the period for reply is produced abover. The maximum statutory premote with the period of the communication of this communication.  - If the period for reply is produced abover. The maximum statutory premote with period of the communication of the period of the communication.  - Failure to reply with the set or exempted period for reply is under the period of the communication.  - Failure to reply with the set or exempted period for reply is under the period of the communication.  - Failure to reply with the set or exempted period for reply is under the period of the communication.  - Failure to reply with the set or exempted period for reply is under the period of the communication.  - Failure to reply with the set or exempted period for reply is under 3.1 days with the set or exempted period of the communication.  - Status  - Status  - Provided the period of the pe	i	Application No.	Applicant(s)				
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Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(s) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provided or 30 °CFR 1.13(6). In no event, however, may a reply be timely fied after SX (9) MONTHS time the mailing date of rise communication.  If NO period is reply is separately under the provided of the communication of the communication of the provided of the provided of the communication.  If NO period is reply is separate under the provided of the communication.  If NO period is reply is separate under the provided of the communication.  Fabric to reply within its set or extended period for reply will, by a shallor, provided will apply are will expire the part of the mailing date of the communication.  Fabric to reply within the set of extended period for reply will, by a shallor, cause the application to become ARANDONED (3s U.S. 5 ± 133).  Any tryp replected by the Size and stock on the mailing date of the communication, even if limity field, may reduce any?  Status  1) Separate this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-11 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 2-11 is/are pending in the application.  4a) Claim(s) 3-6 is/are objected to.  5) Claim(s) 3-6 is/are objected to by the Examiner.  Old The specification is objected to by the Examiner.  10) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119 and 120  11) Since and 120  120 All b) Since * (CPT) Note of the priority documents have been received.  2 (Certified copies of the priority documents have been received.  3 (Certified copies of the priority document	Office Action Summary	Examiner	Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 3 CPR 1.13(d). In no event, however, may a reply be timely field after SIX (6) MONTHS from the mailing date of this communication.  - If the period in may) be available under the provision of 3 CPR 1.13(d). In no event, however, may a reply be timely field after SIX (6) MONTHS from the mailing date of this communication.  - If allow the reply welfin the set of extended period for reply welf, by statute, cause the application to become ARANDONED (33 U.S.C. § 133).  - Any reply received by the Office after than three mornia after the mailing date of this communication, even if timely filled, may reduce any sametre place to the communication of this communication, even if timely filled, may reduce any sametre place to the communication of		pears on the cover sheet with the o	correspondence address				
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### **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuchta et al (US Patent No. 6,549,310).

Regarding claim 1, referring to figure 2, Kuchta discloses a method for testing each parallel optical communication channel in an N-channel parallel optical communication transmitter, the method comprising:

transmitting, simultaneously on different channels, at least one of external data (i.e., coded data of encoder 22, Fig. 2) and test signals (i.e., a test mode of normal op/test mode selector 29, Fig. 2) to a multiplexer (i.e., MUX 21, Fig. 2) in each channel of the N-channel parallel optical communication transmitter;

detecting (i.e., monitor photodiode 32, Fig. 2) whether the external data signals include data signals having a valid common mode voltage level; and

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selecting either of the external data signals or the test signals for transmitting from multiplexer (i.e., MUX 21, Fig. 2) to a laser driver (i.e., laser driver 23, Fig. 2)(from col. 2, line 44 to col. 5, line 47).

Regarding claim 2, Kuchta further teaches the test signals are generated and transmitted by a built-in self test (BIST) generator (i.e., a test mode of normal op/test mode selector 29, Fig. 2).

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida et al (US Patent No. 6,480,308).

Regarding claim 1, referring to figures 2 and, Yoshida discloses a method for testing each parallel optical communication channel in an N-channel parallel optical communication transmitter, the method comprising:

transmitting, simultaneously on different channels, at least one of external data (i.e., transmitting data sTx from transmitting data forming unit 110, Fig. 2) and test signals (i.e., a test signal s2a from power control circuit unit 2, Fig. 2) to a multiplexer (i.e., selector 1, Fig. 2) in each channel of the N-channel parallel optical communication transmitter;

detecting (i.e., monitor photodiode 5, Fig. 2) whether the external data signals include data signals having a valid common mode voltage level; and

selecting either of the external data signals or the test signals for transmitting from multiplexer (i.e., selector 1, Fig. 2) to a laser driver (i.e., driving circuit 23, Fig. 2)(from col. 6, line 34 to col. 11, line 10).

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Regarding claim 2, Yoshida further teaches the test signals are generated and transmitted by a built-in self test (BIST) generator (i.e., test pattern generating circuit, Figs. 2 and 3).

### Allowable Subject Matter

- 4. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 5. Claims 7-11 are allowed.

#### Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mitten et al (US Patent No. 6,564,349) discloses buil-in self-test systems.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (703)306-5840.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (703)305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

Hanh Phan

12/10/2003